

REMARKS/ARGUMENTS

This is intended to be a complete response to the Official Action mailed June 24, 2004, in which claims 1-39 were rejected. Applicant respectfully traverses the rejections as explained in detail below.

Specification

In the specification, the paragraph 0001 has been amended to show that 10/195,595 is now US 6,647,663.

Double Patenting

Claims 1-9 stand rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-9 of prior U.S. Patent No. 6,647,663 B2.

Claims 1-9 have been cancelled without prejudice, thereby mooting the rejection under double patenting.

Claims 10-27 and 29-38 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10-27 and 28-37 of U.S. Patent No. 6,647,663 B2.

Applicant submits herewith a terminal disclaimer over U.S. 6,647,663 B2 thereby mooting the rejection of claims 10-27 and 29-38.

Rejection under 35 U.S.C. §102

Claims 1-4, 6, 9-13, 15, and 17 stand rejected under 35 U.S.C. §102(b) as being anticipated by van den Hoogen (US 5,005,760).

Claims 1-4, 6, 9-13, 15, and 17 have been cancelled without prejudice, thereby mooting the rejection. Applicant respectfully requests reconsideration and withdrawal of the rejection.

Rejection under 35 U.S.C. §103

Claims 5, 9, and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over van den Hoogen (US 5,005,760).

Claims 5, 9, and 14 have been cancelled without prejudice, thereby mooting the rejection. Applicant respectfully requests reconsideration and withdrawal of the rejection.

Traversal of the Rejection of claims 1-17 under van den Hoogen

As indicated above, applicant has cancelled claims 1-17 without prejudice in view of applicants belief that the invention is adequately covered by earlier issued patents (e.g., U.S. 6,647,663). However, for the following reasons, applicant traverses the rejection of claims 1-17 under §102 and §103 over van den Hoogen.

Van den Hoogen teaches a cover which is initially a flat sheet of material having a plurality of creases or scorelines in the sheet. The sheet does not have an inner space in the initially flattened condition of the flat sheet of material.

Unlike the sleeve of van den Hoogen, the sleeve of present claims 1-17 is a "tubular sleeve" which initially has a "flattened condition". That is, by definition, in the initially flattened condition the present sleeve has a tubular shape having an inner space. Van den Hoogen, when in the initially flattened condition, does not have a tubular shape with an inner space, and thus does not anticipate nor render obvious the invention of claims 1-17. For this reason, applicant traverses the rejections under §102 and §103. However, in the interest of advancing the prosecution of the case applicant has cancelled claims 1-17, as noted above, without prejudice.

Secondary Reference

The secondary references cited by the examiner have been reviewed and it has been determined the references do not anticipate or render obvious the claimed invention.

Conclusion

In view of the above, Applicant respectfully submits the pending claims are now in a condition for allowance and requests issuance of a Notice of Allowance thereof.

Respectfully submitted,



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